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September 13, 2011

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INYO CO. SUPERIOR COURT
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BY *J. Shultz* DEPUTY



The Honorable Brian Lamb
Presiding Judge, Inyo County Superior Court
Inyo County Courthouse
Independence, CA 93526

Re: 2010-2011 Grand Jury Final Report

Dear Judge Lamb:

On behalf of the Board of Supervisors, I would like to take this opportunity to thank the members of the 2010-2011 Grand Jury for their important and diligent work in preparing 2010-2011 Grand Jury Final Report. The county appreciates these dedicated citizens' commitment to trying to effect positive and constructive improvements to local government.

Enclosed is the County of Inyo's response to the Report. As with the County's responses to Final Grand Jury Reports in years past, this response follows Penal Code Section 933.05(a) Responses to findings (copy included). The County's response is limited to only those items required by State Statute.

In closing, I want to reiterate the County's appreciation for the Jury's efforts to identify ways in which the County may improve its operations in support of its efforts to maintain services to our constituency.

Sincerely,

Kevin Carunchio
County Administrator

KC:pg
cc: Inyo County Board of Supervisors

COPY

COUNTY RESPONSE
2010-2011 INYO COUNTY GRAND JURY REPORT

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COUNTY RESPONSE
2010-11
INYO COUNTY GRAND JURY FINAL REPORT
INYO COUNTY ADULT DETENTION FACILITY

Finding – “1) The Facility was clean and in good repair. Staffing levels were adequate for the facility.”

COUNTY RESPONSE – Agree.

Finding – “2) The video monitoring system within the facility has been replaced/upgraded to include – improved view of access areas including holding cells, interior jail corridors, storage and workrooms, recreation areas, all doors and exterior delivery points – improved monitoring of all inside locations including those previously labeled ‘blind spots’ – a central monitoring station with multiple video screens in a secure location within the facility.”

COUNTY RESPONSE – Agree.

Finding – “3) the room designated for inmate interviews is still not fully utilized even though personnel at the jail have met the recommendations of the Grand Jury from 2009/2010. The fact that Attorneys are not using this room results in greatly increased bailiff costs.”

COUNTY RESPONSE – Agree.

Finding – “4) The Sheriff’s dispatch center has received upgraded radios, resulting in greater capabilities and increased call efficiency.”

COUNTY RESPONSE – Agree.

Recommendation – “1) The Sheriff and Staff should be commended for the condition of the Jail.”

COUNTY RESPONSE – This recommendation has been implemented. The Board of Supervisors is very proud of the Inyo County Jail. The Sheriff and his staff have done a remarkable job of keeping this nearly 20 year old facility in good condition. The Board is pleased to once again commend the Sheriff and his department for a job well done. The Board looks forward to continuing to work with the Sheriff and his staff to identify funding for areas where the facility may be enhanced and/or improved.

Recommendation – “2) The Sheriff and staff should be commended for the upgraded surveillance system. Perhaps the Sheriff’s office could collaborate with the Juvenile Facility in an attempt to upgrade the monitoring equipment at the Juvenile Facility.”

COUNTY RESPONSE – This recommendation has been implemented. As the Grand Jury may be aware the upgraded surveillance system was approved by the Board of Supervisors. The Board’s commendation lies in the fact that the Board recognized the need, agreed with the funding recommendations, and wholeheartedly supported the upgraded surveillance system at the time the project was proposed. The Board has had the opportunity to tour the facility since the new equipment was installed and was very pleased with the results. The Board of Supervisors believes that the Inyo County Jail is an efficient and well run facility that provides a safe environment for those who serve, as well as for those who are incarcerated.

The expansion of the new surveillance system into other areas of County facilities has been and is continuing to be evaluated. The funding for the Jail surveillance system upgrade came from State AB443 Rural Sheriff's funding which is not guaranteed on an annual basis. The Board will look forward to considering proposals for the Juvenile Facility upgrade should it be prioritized by the Chief Probation Officer, along with the identification of appropriate funding sources to pay for a project of this magnitude. It should be noted that the Sheriff's upgraded surveillance system cost the County of Inyo more than \$400,000. This was a major expenditure that was facilitated through the creativity of the County Administrator, the Sheriff and other talented County staff who were able to identify the availability of one-time funding for this project.

Recommendation – "3) Public Defenders and Private Attorneys are strongly encouraged to use the interview room at the Jail, this is especially important in this time of tight budgets.

COUNTY RESPONSE – *This recommendation will be implemented* – The Board will continue to take every opportunity afforded them to reduce County costs for its Court responsibilities. The Board encourages the public defenders and private attorneys to use the interview room at the Jail. The Board would like to ask that the Inyo County Superior Court Judges join with the Board in urging our attorneys to keep Court costs down by utilizing the facilities that are provided. Additionally, the Board requests that Staff keep this recommendation in mind when negotiations for Public Defender contracts next occur.

Recommendation – "4) A Commendation to the Sheriff's office, for the multiple agency dispatch capabilities of dispatch personnel."

COUNTY RESPONSE - *This recommendation will be implemented* – The Board is pleased to join with the Grand Jury in commending the Sheriff's Office and the dispatch personnel for outstanding job performance. The Staff's multiple agency dispatch capabilities create a more efficient multi-agency response that is vital to the Department in the performance of its public safety mission and helps to protect our citizens and visitors.

COUNTY RESPONSE
2010-11
INYO COUNTY GRAND JURY FINAL REPORT
INYO COUNTY JUVENILE DETENTION FACILITY

Finding – “1) Staff members were observed to be dedicated and focused on their jobs, even though staffing is not at 100%. Funding, and staff retention issues, continues to be a problem.”

COUNTY RESPONSE – *Disagree partially.* The Board of Supervisors agrees that the Juvenile Detention Staff is dedicated and focused on their jobs. The Board disagrees with the assessment that because staffing is not at a 100% there is a problem at the facility. As reported by the Chief Probation Officer the Juvenile Center typically hires entry level positions and like other departments has some retention issues. In FY2010-2011, the Juvenile Center hired five part-time Group Counselors of which three were promoted to full-time and one to full-time Group Counselor. In addition, there was one existing Group Counselor who was promoted to the position of Supervising Group Counselor due to the retirement of a ten year employee. As in all areas of the County operations the employee levels are fluid due to a variety of factors. With the expertise and dedication of Juvenile Center staff, the County has and will continue to provide the appropriate level of supervision and safety to detained minors, irrespective of the staffing levels at any particular point in time.

Finding – “2) There are numerous “blind spots” in the video surveillance system.”

COUNTY RESPONSE – *Agree.*

Finding – “3) The west parking area needs to be fenced, to create a “salle-port”. This will make for safer entry and exit from the facility for transporting officers.”

COUNTY RESPONSE – *Disagree partially.* While there are always opportunities to improve upon the facility, it is unreasonable to imply that the facility does not provide a safe entrance and exit area for transporting officers. The facility has been in operation since 1995 and there have been no incidents regarding entry and exit of the facility for transporting officers.

Recommendation – “1) Staff retention issues need to be addressed. Adequate staff levels would reduce the overtime, and make for better use of existing funds. The facilities operators should be encouraged to seek out and apply for available grant monies and explore alternate funding sources.”

COUNTY RESPONSE – *This recommendation will not be implemented because it is not warranted.* The Board of Supervisors has set the appropriate staffing levels for the Juvenile Facility based on the recommendations of the Chief Probation Officer. The existing vacant positions in FY 2010-11 were not due to the lack of funding. The County continues its recruitment and hiring efforts to ensure that the approved staffing levels are met. All County Departments are encouraged to seek out grant opportunities that will help the County in meeting its demands for services. As the State Legislature continues to revamp the State’s criminal justice system, the Board of Supervisors is confident that the Probation Department will continue to explore alternate funding sources to help meet their needs.

Recommendation – “2) The installation of an upgrade to the existing video surveillance system is scheduled.”

COUNTY RESPONSE – *This recommendation will not be implemented because it is not warranted.* The Board is unaware of any upgrades planned to the facility’s video surveillance system. The Chief Probation Officer has reported the current system is adequate for the safety and security of the Juvenile Center staff and the minors housed there. However, should a recommendation come forward from the Chief Probation Officer, regarding the upgrading of the surveillance system, the Board of Supervisors will evaluate the request and prioritize it within the confines of other budgetary priorities in order to provide the services required with the funding resources that are available.

Recommendation – “3) The enclosing of the west parking lot needs to be completed.”

COUNTY RESPONSE – *This recommendation will not be implemented because it is not warranted.* The Chief Probation Officer has reported that Juvenile Halls throughout the State do not have secure employee parking areas. And, while a “salle-port” would be a nice addition, this would be a very costly endeavor when there have not been any incidents in the past warranting such an expense. The Board looks forward to the Juvenile Center staff continuing to look for funding sources to improve the facility and will prioritize those improvement projects based on recommendations from the Chief Probation Officer in correlation to the funding sources being recommended.

COUNTY RESPONSE
2010-11
INYO COUNTY GRAND JURY FINAL REPORT
INVESTIGATION INTO ALLEGED MISCONDUCT OF PUBLIC OFFICIAL

Finding – “1) The Treasurer’s office was operating without a viable Oversight Committee as required by both State and County Law, apparently for more than two years.”

County Response – ***Disagree partially.*** Inyo County Ordinance 970, which was adopted on May 28, 1996, established the Inyo County Treasury Oversight Committee, and on February 9, 1999 Inyo County Ordinance 1010 was adopted amending the Code and restructuring the Committee into what currently exists. Therefore the Board agrees that the Treasury Oversight Committee is required by County law. However, on January 1, 2006 Government Code §27131 lifted the mandate set by Government Code §27133 that required an oversight committee, and made the committee optional, therefore the County disagrees that the Treasurer’s Office was operating without a viable committee as required by State law. Additionally, the County disagrees with the Grand Jury’s assessment that the Treasurer’s Office is required to have an Oversight Committee in order to conduct its operations. Government Code §27137 states “Nothing in this Article shall be construed to allow the county treasury oversight committee to direct individual investment decisions, select individual investment advisors, brokers, or dealers or impinge on the day-to-day operations of the county treasury.” The Committee reviews and makes recommendations on the County’s Investment Policy and reviews investments for compliance with that policy. In addition to the Treasury Oversight Committee reviewing the County’s Investment Policy, the Board of Supervisors, on a yearly basis, also reviews the policy as required by law. The County has the Financial Advisory Committee which reviews and makes recommendations on many of the County’s financial issues. Additionally, the Inyo County Auditor-Controller ensures that appropriate auditing services are in place to review the County’s financial processes and operations.

Finding – “2) The Treasurer of Inyo County was aware of the situation and was taking steps to correct it, as the investigation was being conducted.”

COUNTY RESPONSE – ***Disagree partially.*** The Treasury Oversight Committee had the membership to call a meeting until October 10, 2010, when the resignation of an individual dropped the membership below a quorum. The Treasurer immediately took steps to bring recommendations for the Board’s consideration regarding the Committee.

Recommendation – “1) The Jury believes that this situation was partially caused by the difficulty of finding people willing to serve on an advisory committee, solely for the good of the community. We can not offer any solutions to this condition other than to point out that our form of government cannot work without the participation of citizenry.”

COUNTY RESPONSE – There is no Grand Jury recommendation therefore the Board of Supervisors is unable to respond per the Code. However, the Board does agree that it is important for the citizens to participate in their government, and wish to thank those individuals both past and present who have served on the Treasury Oversight Committee, their service is greatly appreciated.

Recommendation – “2) A new Treasury Oversight Committee has been confirmed and is now active.

COUNTY RESPONSE – There is no Grand Jury recommendation therefore the Board is unable to respond per the Code. However, the Board of Supervisors does agree that there is an active Treasury Oversight Committee.

COUNTY RESPONSE
2010-11 INYO COUNTY GRAND JURY FINAL REPORT
INVESTIGATION INTO COMPLAINTS OF INCONSISTENT TREATMENT
OF EMPLOYEES BY COUNTY SUPERVISORS AND DEPARTMENT HEADS

Finding – “1) Although Supervisors and Department Heads are receiving more training in how to effectively supervise employees, there continues to be problems where employees are talked to in an inappropriate manner within hearing of other employees and the public.

COUNTY RESPONSE – *Disagree partially.* The Grand Jury's recognition of the County's recent initiatives to providing better and more frequent personnel supervisory training opportunities to department heads and department supervisors is appreciated. The County will continue to provide, and hopefully expand on this type of training as resources permit.

The County respectfully notes that it is difficult to respond to the statement that, “there continues to be problems where employees are talked to in an inappropriate manner within hearing of other employees and the public” when no specific incidents are cited. In responding to this type of generalization the County has to reply that, while such inappropriate behavior may occur, the County can assure the Grand Jury that the County does not condone such behavior and takes steps to address it when such behavior is reported to the County.

If problems arise where there is a perception that employees (or members of the public) are being talked to inappropriately, that situation needs to be brought to the attention of the appropriate department head, Personnel, or Administration so it can be investigated and dealt with as necessary. Unless such episodes are reported and a proper investigation is conducted regarding specific incidents, there is no way to determine if this may be a systemic and common problem, as suggested by the Grand Jury, or isolated events that occur from time-to-time in most organizations. In either case, the County wants to be made aware of allegations of such behavior so it can be investigated and dealt with appropriately. If the Grand Jury is aware of individual incidents where employees were spoken to in an inappropriate manner, the County will appreciate knowing the specifics so that it may conduct the legally required investigation into the allegations. In such situations, the County does not have the luxury of only listening to, or taking action based on one side of a story. The County makes every effort to ensure that all of its employees are treated with respect. The County has adopted the Harassment Policy and there is a process that is followed should an employee feel they have been spoken to inappropriately by anyone; including co-workers, department supervisors, or their Department Head.

Finding – “2) Some Supervisors and Department heads do not follow proper procedures and recommendations made by the Labor Relations Administrator.”

COUNTY RESPONSE – *Disagree partially.* Supervisors in a department are required to follow the directives of their department heads. They are required to follow County policy and procedures, and not following these policies and procedures subjects them to disciplinary action. Depending on the circumstance and its severity, recommendations made by the Labor Relations Administrator are, very often, simply that; recommendations. However, in disciplinary situations that rise to a critical level, the County Administrator has the ability to impose or rescind discipline if implemented contrary to the Personnel Director's or Labor Relations Administrator's counsel. This occurs more often than the Grand Jury may realize, and the County Administrator usually only takes such steps in consultation with the Labor Relations Administrator.

Department heads, in general, have established a very successful and effective working relationship with the Personnel Department, and it is the Board's belief that the proper handling of situations that involve recommendations from Personnel staff, including the Labor Relations Administrator, would be mutually agreed upon by the parties. If there is disagreement between the department head and the Labor Relations Administrator, there are avenues of appeal for both sides, including to the County Administrator (who, per County Code, also serves as the County's Personnel Director), County Counsel, and the County's contract labor relations attorneys. Ultimately, the responsibility for requiring a department head to follow proper procedures falls to their boss, the Board of Supervisors. The Board, over the past several years, has improved its department head evaluation process which now includes an extensive personnel management evaluation section. The department heads are critiqued on their abilities to properly manage their staff. Should deficiencies be identified, remedies are also identified.

Finding – “3) The Labor Relations Administrator has no real authority to mandate that Supervisors and Department Heads follow proper evaluation and personnel procedures, or recommendations which are made during conflict resolution procedures.”

COUNTY RESPONSE – *Disagree partially.* The term “no real authority to mandate” may be an over simplification of the issue, and therefore somewhat misleading. The position of Labor Relations Administrator is that of an advisor, a mediator, and the staff person who helps resolve personnel issues within the parameters established through: labor agreement negotiation processes; past County practices; the Personnel Rules and Regulations; and, State and Federal laws and regulations. The position helps guide both rank and file and management staff in following the established, but often times complex rules and procedures. Ultimately, department heads and department supervisors, as well as rank and file employees have a responsibility and obligation to comply with these requirements. If, with respect to these requirements, they ignore the advice or admonitions of the Labor Relations Administrator or other personnel staff, including the Personnel Director, they do so at their own peril.

However, in terms of “mandating” adherence to rules and procedures, the Grand Jury is correct to point out that the Labor Relations Administrator supervises neither department heads nor department supervisors. Department heads are responsible for supervising their subordinates, including mandating or ensuring department supervisors comply with proper evaluation and personnel procedures, or recommendations which are made during conflict resolution procedures. Similarly, only the Board of Supervisors can mandate a department head – and then only a department head appointed by the Board of Supervisors (as opposed to the 7 independently elected officials who serve as County department heads) – comply with these requirements. Outside of establishing budgets and staffing levels, and deciding whether to defend other elected officials accused of wrong-doing, even the Board of Supervisors has little authority to mandate that elected department heads do anything with respect to many personnel matters. The County can only take steps to ensure that employees are protected to the best of the County's ability with regard to these types of situations.

The Labor Relations Administrator currently reports to the County Administrative Officer who, by County Ordinance, also serves as the County Personnel Director. In certain disciplinary situations, where a department head refuses to comply with the recommendations of the Labor Relations Administrator, or refuses to direct a department supervisor to comply with such recommendations, the County Administrator has, under Article III, Section 3.1(f) of the Personnel Rules and Regulations, “the authority to discipline County employees in accordance with these

rules.” Similarly, upon appeal by the employee, the County Administrator has the ability to rescind or over-turn disciplinary actions that were unwarranted or inappropriately applied. The checks and balances are in place to insure that disciplinary situations are handled appropriately.

The authorities granted to the Personnel Director for imposing or overturning discipline do not necessarily extend to enforcing that department heads, or department supervisors follow proper evaluation procedures or recommendations made during conflict resolution procedures (e.g., how would the Labor Relations Administrator or Personnel Director draft or modify a performance evaluation unless they had direct experience with the employee in question?). However, in these situations, the County Administrator has the ability to bring to the attention of the Board of Supervisors instances when an appointed department head may not be following, or requiring their department supervisor(s) to follow evaluation procedures, or recommendations made during conflict resolution procedures. (Note: The Board of Supervisors’ department head evaluation forms, which are also completed by the County Administrator, County Counsel, and the County Auditor-Controller, include a specific key evaluation area for Personnel Management that consists of 10 criteria including employee evaluations, and knowledge of and compliance with County Personnel Rules.)

For the department head evaluation process to be effective, the key is that the Labor Relations Administrator or County Administrator needs to be made aware of the perceived inconsistent application of evaluation procedures, or lack of adherence to conflict resolution recommendations, in order to bring them to the attention of the Board of Supervisors. (Note: In many cases, because such matters are confidential to ensure the privacy of the affected employee(s), such allegations are often based on perceptions or ill feelings rather than fact.) And, because any action the Board may impose on one of its appointed department heads for not following procedures is also a confidential personnel matter, the employee making the complaint may never know that it has been resolved with their department head by the Board of Supervisors.

Recommendation – “1) The Jury would like to see the County continue with regular, meaningful training with Supervisors and Department Heads in the appropriate methods of communication with employees. This training is especially important when a co-worker moves into the position of supervising others.”

COUNTY RESPONSE – *This recommendation has been implemented.* The Board of Supervisors extends its appreciation to the Grand Jury for acknowledging the County’s efforts to provide regular and meaningful supervisor training to department supervisors and department heads, and agrees with the Grand Jury’s recommendation that the County should – commensurate with the County’s fiscal resources – continue, and even expand these training opportunities. The County will do so as resources and priorities permit. Additionally, the County is proud of its record of promoting from within and makes every effort to ensure those that are promoted are up to the task and receive appropriate training. However, it is not always feasible to provide training to every new supervisor at the time of their appointment; rather these trainings are held on an annual basis. If resources become available, the frequency of such trainings could be expanded.

Recommendation – “2) Supervisors and Department Heads must be required to follow procedures regarding evaluations. The Jury recommends that there be strict follow-up and consequences for not following these procedures. Supervisors and Department Heads must follow recommendations that are made as a result of conflict resolution and the Labor Relations Administrator must be granted the authority to follow-up, and ensure compliance with the recommendations.”

COUNTY RESPONSE – *This recommendation will not be implemented because it is not warranted.* The County agrees that it is essential that evaluations procedures be not only followed, but uniformly implemented within and across all County departments. The County also acknowledges that due to the *human variable* (e.g., different values, outlooks, etc.) this is an area that can always be improved upon. The County, however, respectfully disagrees that department heads and supervisors are not currently required to follow existing procedures regarding evaluations, and notes that employee evaluations are a topic that has been incorporated into recent supervisory training opportunities provided regularly to all supervisors and department heads. Department heads and their department supervisors are required to follow procedures, and there are mechanisms in place to follow-up and impose consequences.

Department employees report to their supervisors who in turn report to their department head. Disputes that arise between supervisors and employees are resolved with the knowledge of and through the department heads, often times with the assistance of the Labor Relations Administrator or other personnel staff. Department heads are the ultimate authority for employee evaluations, as well as ensuring that their supervisors follow evaluation procedures and for taking appropriate action against those supervisors that do not follow these procedures. The Board of Supervisors has set the expectation that the procedures regarding evaluations are followed. If they are not, the department head is held accountable during the department head evaluation process.

Furthermore, the County has in the past made efforts to review and improve its performance evaluation processes, and expects to continue to do so in the future. If and when changes are made to the evaluation system, the County agrees that it is essential that all supervisors and department heads be fully trained in an effort to ensure as consistent of an application of the employee evaluation process as is possible.

Recommendations that are developed as a result of conflict resolution are developed mutually. Should there be a disagreement regarding recommendations on how a conflict is resolved then there is a chain of command that is followed to ensure that conflict resolution meets the requirements of the law which are enforced for the protection of the County and its employees. It is not beneficial for either party to ignore conflict resolution recommendations. It is the expectation of the Board that the Labor Relations Administrator, under the direction of the County Administrator, would follow up to ensure compliance with conflict resolution as a part of his/her duties. The County has an expectation that all employees follow the rules and procedures, and the Board does not abdicate its authority to ensure compliance by the Department Heads, and has not chosen to delegate this authority to the County Administrative Officer or the Labor Relations Administrator.

As noted above, part of the Board of Supervisors' evaluation of its appointed department heads includes multiple Personnel Management criteria. This is the mechanism that the Personnel Director, or the Labor Relations Administrator acting through the County Administrator has to follow-up and compel department heads to follow employee evaluation procedures and comply with recommendations made as a result of conflict resolution. Again, the Board of Supervisors has not delegated its authority for supervising appointed department heads to the County Administrator or the Labor Relations Administrator.

Recommendation – “3) Establish an independent Human Resources Department with the responsibility to develop, train, implement and enforce County personnel policy. The Jury recommends that by expanding on the current Labor Relations Administrator position this could be accomplished without great cost to the County. This position should report annually to the Board of Supervisors on issues and update the Board about needed training.

COUNTY RESPONSE – *This recommendation will not be implemented because it is not warranted.* By County Ordinance, personnel (or “human resources”) functions, including the responsibility to develop, train, implement and enforce County personnel policy, are assigned to the County Administrative Officer who reports directly to the Board of Supervisors. The Personnel Department is part of the CAO Department and consists of a fully trained and experienced Personnel Staff that includes the Labor Relations Administrator, a Personnel Analyst, and a Personnel/Risk Management Specialist. The County acknowledges that, ideally, in a public agency the size of Inyo County, with approximately 465 authorized staff positions, the Personnel Department would have at least two (2) more employees; or one (1) full-time Personnel staff position dedicated for every 100 employees. However, limited fiscal resources currently preclude the County from staffing the Personnel Department to this level. The County is extremely proud of the competency and services provided by its, admittedly, understaffed Personnel Department.

As the Grand Jury is aware, Measure A prohibits reorganizing County functions specified by County Ordinance, as is being recommended by the Grand Jury, without prior voter approval. The County believes that the cost of having the voters decide this issue, and certainly the cost of implementing the recommendation, may be greater than the benefit that the Grand Jury feels could be achieved. Additionally, the proposition itself is also more than the County can currently afford.

For the purpose of this response the County presumes the terms “Personnel Department” and “Human Resources Department” to be interchangeable. If the Grand Jury is suggesting that a separate Human Resources Department be created and assigned to the County Administrator, consistent with the existing County Ordinance, the County does not see the difference or benefit of this over the current leadership structure. The Personnel Department is part of the CAO Department and, in addition to complying with the County Code, already serves as an independent department. The County Administrator currently reports to the Board of Supervisors regarding personnel issues and training requirements through staff reports, policy recommendations, and the previously noted department head evaluation process. And, as noted above, the County acknowledges the desirability of adding staff to the existing personnel Department as resources permit.

Similarly, if the Grand Jury is recommending the creation of a new County department, with a department head that reports directly to the Board of Supervisors, it is still difficult to discern what difference or benefit would be realized. As previously noted, the County Administrator already reports directly to the Board of Supervisors, and the County does not have the resources to fully staff the existing Personnel Department, much less create a new department with a new appointed County department head. This fiscal reality is, in part, demonstrated by the fact the Fiscal Year 2011-2012 CAO Recommended Budget, as have (to varying degrees) County Budgets in past years, relies on almost \$500,000 in salary and benefit savings, realized by keeping 18 existing positions vacant. It is difficult to justify expanding the County workforce at a time the County cannot afford to fill the vacancies it currently has.

Furthermore, the Labor Relations Administrator already addresses or manages much of the day-to-day activities within the Personnel department. Notwithstanding the current budget challenges, it is also difficult to understand what would change if this position were made independent of the CAO Department. And, the idea of expanding the responsibilities of the current Labor Relations Administrator position, without adding staff, would simply exacerbate the understaffing issues previously described.

Lastly, it should be acknowledged that the Grand Jury's recommendation might be more expeditiously, and less expensively achieved by simply asking voters to abolish the County's Personnel Merit System Ordinance, and have the Board of Supervisors become directly responsible for every single personnel issue in the County. This, however, could be perceived as introducing politics into a system that the current Personnel Merit System Ordinance was designed to minimize, and intended to

“ . . . establish an equitable and uniform procedure for dealing with personnel matters; to attract to the county service the best and most competent persons available; to assure the appointments, promotions, demotions, transfers, and lay-offs of employees will be based on merit and fitness; to generally regulate the appointment of persons in the employ of the County of Inyo as provided by Section 25300 of the Government Code, State of California; and to provide a reasonable degree of security for qualified employees . . . ”

Furthermore, due to the complexities and highly specialized nature of personnel law, doing so might make it difficult to carry out these functions without professional advisors to limit the County's exposure to liability.

Title 4

Flood Control Dist. (App. 1941) 42 Cal.App.2d 622, 109 P.2d 992. Levees And Flood Control § 11

Where a grand jury and the county board of supervisors ratified a suit brought by the district attorney against a county treasurer and his

sureties to recover money fraudulently converted, the fact that such suit was instituted without authority of such board or any other official was not ground for dismissal thereof. People v. Madden (1901) 133 Cal. 347, 65 P. 741. Counties § 101(5)

w continues in effect for that
ending its repeal by this act.
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443, § 1. See Penal Code

nacted in 1872, amended by
6, § 11, derived from former
Act § 221, as amended by
§ 8, requiring that the pres-
ed to the court and filed with
ealed by Stats.1905, c. 531,

ner § 929, added by Stats.
, § 3.

39.9.

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im. L. 3d Intro. to Crim.
9) Other Powers and Duties.

d application

d expenses incurred in tax-
over money paid by flood
settlement of claim against
recovered from district on
the taxpayers' suits were
ntarily or for lack of prose-
as no evidence that any one
them together contributed
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ion instituted by the district
§ 929 (repealed; see, now,
mson v. Los Angeles County

§ 933. Findings and recommendations; copies of final report; comment of governing bodies, elective officers, or agency heads; definition

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

(Added by Stats.1961, c. 1284, p. 3064, § 1. Amended by Stats.1963, c. 674, p. 1678, § 1; Stats.1974, c. 393, p. 977, § 6; Stats.1974, c. 1396, p. 3054, § 3; Stats.1977, c. 107, p. 539, § 6; Stats.1977, c. 187, p. 709, § 1; Stats.1980, c. 543, p. 1499, § 1; Stats.1981, c. 203, p. 1126, § 1; Stats.1982, c. 1408, p. 5365, § 5; Stats.1985, c. 221,

§ 933.05. Responses to findings

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer,

grand jurors. (1962) 2
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Aids

1. L. 3d Intro. to Crim.
Reports.

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siding judge of the superi-
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agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

(Added by Stats.1996, c. 1170 (S.B.1457), § 1. Amended by Stats.1997, c. 443 (A.B. 829), § 5.)

Historical and Statutory Notes

Stats.1997, c. 443 (A.B.829), in subds. (a) and (b), in the introductory paragraphs, substituted "(b)" for "(c)"; in subd. (b)(3), substituted "head" for "director"; in subd. (c), inserted "agency or" throughout; inserted subd. (e), relating to investigations and meetings with the grand jury; and, in subd. (f), substituted "presiding" for "supervising".

Cross References

"Grand jury" defined, see Penal Code § 888.
Words and phrases, "county", see Penal Code § 691.

Research References

Encyclopedias

Recommendations and Reporting, Cal. Jur. 3d Criminal Law: Pretrial Proceedings § 601.
Responses to Findings, Cal. Jur. 3d Criminal Law: Pretrial Proceedings § 602.

Treatises and Practice Aids

4 Witkin Cal. Crim. L. 3d Intro. to Crim. Proc. § 40, (S 40) Reports.

§ 933.06. Vacancies on grand jury; report submitted by unanimous vote of remaining jurors; conditions

(a) Notwithstanding Sections 916 and 940, in a county having a population of 20,000 or less, a final report may be adopted and submitted pursuant to Section 933 with the concurrence of at least 10 grand jurors if all of the following conditions are met:

(1) The grand jury consisting of 19 persons has been impaneled pursuant to law, and the membership is reduced from 19 to fewer than 12.

(2) The vacancies have not been filled pursuant to Section 908.1 within 30 days from the time that the clerk of the superior court is given written notice that the vacancy has occurred.

(3) A final report has not been submitted by the grand jury pursuant to Section 933.

(b) Notwithstanding Section 933, no responsible officers, agencies, or departments shall be required to comment on a final report submitted pursuant to this section.

(Added by Stats.1994, c. 1085 (S.B.1465), § 1. Amended by Stats.2001, c. 854 (S.B. 205), § 40.)

Historical and Statutory Notes

Stats.2001, c. 854 (S.B.205) made technical revisions and nonsubstantive changes to maintain the Code.

Cross References

"Grand jury" defined, see Penal Code § 888.
Words and phrases, "county", see Penal Code § 691.

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